

ORDINANCE NO. 2008 - 28

AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA, AMENDING ORDINANCE 2005-37; PROVIDING FOR THE CALCULATION OF IMPACT FEE PAYMENTS FOR CHANGE OF USE OF AN EXISTING STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA:

SECTION 1. Section 7 of Santa Rosa County Ordinance 2005- 37 is amended as follows: (Language added is printed in type which is bold underline type, and language deleted is printed in ~~struck through~~ type.).

SECTION 12. CHANGES OF SIZE AND USE. A Road Impact Fee shall be imposed and calculated for the alteration, expansion or replacement of a Building or Dwelling Unit or the construction of an Accessory Building or Structure if the alteration, expansion or replacement of the Building or Dwelling Unit or the construction of an Accessory Building or Structure results in a land use determined to generate greater External Trips than the present use under the applicable Road Impact Fee Rate. The Road Impact Fee imposed under the applicable Road Impact Fee Rate shall be calculated as follows:

(A) If the Road Impact Fee is calculated on land use and not Square Footage, the Road Impact Fee imposed shall be the Road Impact Fee due under the applicable Road Impact Fee Rate for the Impact Fee Land Use Category resulting from the alteration, expansion or replacement, less the Road Impact Fee that would be imposed under the applicable Road Impact Fee Rate for the Impact Fee Land Use Category prior to the alteration, expansion or replacement.

(B) In the event the Square Footage of a Building is increased, the Road Impact Fee Rate for the increased Square Footage represented by the Road Impact Construction shall be at the Road Impact Fee Rate applicable to Road Impact Construction with Square Footage resulting from the alteration, expansion or replacement, less the Road Impact Fee that would be imposed under the applicable Square Footage prior to the alteration, expansion or replacement.

(C) The Road Impact Fee imposed for any Accessory Building or Structure shall be that applicable under the Road Impact Fee Rate for the land use for the primary Building.

(D) In the case of a change of use for an existing structure, an impact fee shall be due only when and to the extent the impact fee calculation of the replacement use exceeds 150% of the impact fee calculation that would be imposed for the highest intensity prior use for said structure as documented by the applicant. This provision shall be retroactive to April 1, 2008.

SECTION 2. CODIFICATION. The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE. A copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days of enactment and shall take effect upon said filing.

PASSED AND ADOPTED by a vote of 4 yeas and 0 nays, and 1 absent of the Board of County Commissioners of Santa Rosa County, Florida, this 24th day of July, 2008.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

By John Brooks
Chairman

ATTEST:

Mary M. Johnson
Clerk

I, Mary M. Johnson, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and a copy deposited in the Postal Department of the United States of America for delivery by registered mail to the Secretary of State of Florida, on this 25th day of July, 2008.

Mary M. Johnson
Clerk of Court